



**ZONING COMMISSION HEARING
AMENDMENTS TO THE AGENDA
JANUARY 5, 2023**

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

D. ZONING APPLICATIONS – NEW

4. ZV-2022-01243, Palm Beach Park of Commerce PIPD Plat 23

ADD – Variance Exhibit C: Add All Petition Condition of approval as shown below with the added text underline:

2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for DRO/W-2022-00835. (ONGOING: MONITORING - Zoning)

5. ZV-2022-01244, Palm Beach Park of Commerce PIPD Plat 24

ADD – Variance Exhibit C: Add All Petition Condition of approval as shown below with the added text underline:

2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for DRO-2022-00976. (ONGOING: MONITORING - Zoning)

7. Z/CA-2022-00488, Colony Estates at Boynton, (Control 1978-00129)

AMEND – Development Order Amendment Exhibit C-2: Modify Conditions of Approval Transfer of Development Rights Condition 1 to read as follows with the added text underline:

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall execute a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. The Contract shall accommodate a maximum of 19 TDR units at a total selling price of ~~\$501,600 \$616,740~~ (11 TDR units to be purchased at the Market Rate Single family multifamily price of ~~\$44,000 \$54,100~~ per unit and 8 TDR units to be purchased at the Workforce rate of ~~\$2,200 \$2,705~~ per unit). Upon execution of the contract, the contract shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (DRO: ZONING- Planning)

County Administrator
Verdenia Baker



2300 N. Jog Road
West Palm Beach, FL
33411
Phone: 561-233-5200

**ORDER OF BUSINESS
ZONING COMMISSION
PALM BEACH COUNTY, FLORIDA**

THURSDAY JANUARY 5, 2023
9:00 A.M.

**Vista Center, Ken Rogers Hearing Room, VC-1W-47
2300 N. Jog Road, West Palm Beach**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Remarks of the Chair
- D. Notice
- E. Proof of Publication
- F. Swearing In
- G. Adoption of the Minutes
- H. Amendments to the Agenda
- I. Motion to Adopt the Agenda
- J. Disclosures
- K. Conflicts/Recusals

POSTPONEMENTS/REMANDS/WITHDRAWALS

AGENDA CONSENT AGENDA

REGULAR AGENDA

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.



AGENDA

PALM BEACH COUNTY ZONING COMMISSION JANUARY 5, 2023

CALL TO ORDER

- A. Roll Call - 9:00 A.M.
- B. Opening Prayer, and Pledge of Allegiance
- C. Remarks of the Chair:

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center, Ken Rogers Hearing Room, VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission takes final action regarding Class B Conditional Uses, Subdivision Variances, and Type II Variances and issues advisory recommendations on accepting, rejecting, or modifying the recommendations of staff regarding other requests. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30 A.M. on Wednesday, January 11, 2023 to take final action on the applications listed below regarding Official Zoning Map Amendments (rezoning), Class A Conditional Uses, Requested Uses, Planned Developments, Development Order Amendments, Waiver Requests and Administrative Inquiries.

- D. Notice:

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross-examination questions, including follow up questions, to the Chair, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- E. Proof of Publication
- F. Swearing In
- G. Adoption of the Minutes
- H. Amendments to the Agenda
- I. Motion to Adopt the Agenda
- J. Disclosures
- K. Conflicts/Recusals

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. ZONING APPLICATIONS

1. [ZV/DOA-2022-00119, Palm Beach Memorial Park](#), (Control 1983-00115)
Title: a Type 2 Variance application of Northstar Palm Beach LLC by Covelli Design Associates Inc., Agent. **Request:** to eliminate a portion of the Incompatibility Buffer on the south property line on 25.89 acres
Title: a Development Order Amendment application of Northstar Palm Beach LLC by Covelli Design Associates Inc., Agent. **Request:** to modify the Site Plan; delete land area; modify and delete Conditions of Approvals; and, relocate square footage on 25.89 acres
General Location: West side of Seacrest Boulevard, 2000 feet south of Hypoluxo Road Project Manager: Jordan Jafar
Size: 25.89 acres ± BCC District: 7 Staff
Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.
MOTION: To adopt a resolution approving a Type 2 Variance to eliminate a portion of the Incompatibility Buffer on the south property line subject to the Conditions of Approval as indicated in Exhibit C-1.
MOTION: To recommend approval of a Development Order Amendment to modify the Site Plan; delete land area; modify and delete Conditions of Approvals; and, relocate square footage subject to the Conditions of Approval as indicated in Exhibit C-2.

2. [ZV-2022-01243, Palm Beach Park of Commerce PIPD Plat 23](#), (Control 1981-00190)
Title: a Type 2 Variance application of WPB Parcel E Owner, LLC by Urban Design Studio LLC, Agent. **Request:** to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native pine trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer on 23.13 acres
General Location: North of and adjacent to the Beeline Highway, and east of Park of Commerce Boulevard
Project Manager: Alex Biray
Overall PIPD: 1,322.19 acres ±
Subject Site: 23.13 acres ± BCC District: 1
Staff Recommendation: Staff recommends approval to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C.
MOTION: To adopt a resolution approving a Type 2 Variance to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C.

3. [ZV-2022-01244, Palm Beach Park of Commerce PIPD Plat 24](#), (Control 1981-00190)
Title: a Type 2 Variance application of WPB Parcel G Owner, LLC by Urban Design Studio LLC, Agent. **Request:** to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native pine trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer on 5.09 acres
General Location: East side of Park of Commerce Boulevard, approximately 1,500 feet, north of the Beeline Highway
 Project Manager: Alex Biray
 Overall PIPD: 1,322.19 acres ±
 Subject Site: 5.09 acres ± BCC District: 1
Staff Recommendation: Staff recommends approval to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C.
MOTION: To adopt a resolution approving a Type 2 Variance to substitute the six-foot-high opaque wall with a four-foot-high chain link fence; to substitute required Canopy trees with existing native trees; and to substitute required small and medium shrubs with one row of large shrubs within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C.

C. LAND DEVELOPMENT APPLICATIONS

4. [SV-2022-01014 Adam's Fiveplex](#), (Control 2022-00044)
Title: a Subdivision Variance application of Adam Kharbech. **Request:** to allow access from a 30-foot Right-of-Way with no swales or gutters on 0.55 acres.
General Location: Northwest corner of Gardenette Street and Mango Drive
 Project Manager: Scott Cantor
 Size: 0.54 acres ± BCC District: 3
Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.
MOTION: To adopt a resolution approving a Subdivision Variance to allow access from a 30-foot Right-of-Way with no swales or gutters, subject to the Conditions of Approval as indicated in Exhibit C.
5. [SV-2022-01104, Le Reve on Davis](#), (Control 2022-00064)
Title: a Subdivision Variance application of Brian Berman by Land Research Management Inc., Agent. **Request:** to allow access from a 30-foot Right-of-Way on 0.94 acres.
General Location: West side of Davis Road, approximately 365 feet south of Melaleuca Lane
 Project Manager: Scott Cantor
 Size: 0.94 acres ± BCC District: 3
Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.
MOTION: To adopt a resolution approving a Subdivision Variance to allow access from a 30-foot Right-of-Way, subject to the Conditions of Approval as indicated in Exhibit C.

6. [SV-2022-00637 Davis Commons](#) (Control 2022-00033)

Title: a Subdivision Variance application of Community Land Trust of Palm Beach County, CP 4489 Davis LLC, Housing Partnership Inc by PLACE Planning & Design, Agent. **Request:** to allow access from the existing 30-foot Right-of-Way and to exceed the maximum allowable Average Daily Trips on 1.89 acres

General Location: East side of Davis Road, approximately 0.25 miles north of Melaleuca Lane

Project Manager: Scott Cantor

Size: 1.89 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution adopting a Subdivision Variance to allow access from a 30-foot Right-of-Way and to exceed the maximum allowable Average Daily Trips, subject to the Conditions of Approval as indicated in Exhibit C.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. ZONING APPLICATIONS -

7. [Z/CA-2022-00488, Colony Estates at Boynton](#), (Control 1978-00129)
Title: an Official Zoning Map Amendment application of Willis Family Trust, The Colony Estates at Boynton LLC by WGINC, Agent. **Request:** an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District on 9.78 acres
Title: a Class A Conditional Use application of Willis Family Trust, The Colony Estates at Boynton LLC by WGINC, Agent. **Request:** a Class A Conditional Use to allow Zero Lot Line (ZLL) dwelling units on 9.78 acres
Title: a Class A Conditional Use application of Willis Family Trust, The Colony Estates at Boynton LLC by WGINC, Agent. **Request:** a Class A Conditional Use to allow a combined density increase of Workforce Housing Program and Transfer of Development Rights in excess of two units per acre on 9.78 acres
General Location: North side of Coconut Lane, approximately 1,700 feet east of the Military Trail
Project Manager: Imene Haddad
Size: 9.62 acres ± BCC District: 4
(affected area 9.78 acres ±)
Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.
MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District, subject to the Condition of Approval as indicated in Exhibit C-1.
MOTION: To recommend approval of a Class A Conditional Use to allow Zero Lot Line (ZLL) dwelling units subject to Conditions of Approval as indicated in Exhibit C-2.
MOTION: To recommend approval of a Class A Conditional Use to allow a combined density increase of Workforce Housing Program and Transfer of Development Rights, in excess of two units per acre, subject to the Conditions of Approval as indicated in Exhibit C-3.
8. [ABN/DOA/CA-2021-02125, Villages of Windsor - SE Residential](#), (Control 1996-00081)
Title: a Development Order Abandonment application of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** to abandon a Class A Conditional Use to allow a Type 3 Congregate Living Facility on 12.12 acres
Title: a Development Order Amendment application of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** to reconfigure the Master Plan; add units; re-designate land use from a Civic Pod to a Residential Pod; and, modify and delete Conditions of Approval on 543.59 acres
Title: a Class A Conditional Use application of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** to allow a Transfer of Development Rights (TDRs) on 11.84 acres
Title: a Class A Conditional Use application of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent. **Request:** to allow Workforce Housing density bonus greater than 50 percent on 11.84 acres
General Location: Southeast corner of Hypoluxo Road and Lyons Road
Project Manager: Timothy Haynes
Size: 543.59 acres ± BCC District: 6
(Pod K area 11.84 acres ±)
Staff Recommendation: Staff Recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-3.

MOTION: No motion required. (Abandonment)

MOTION: To recommend approval of a Development Order Amendment to reconfigure the Master Plan; add units; re-designate land use from civic to residential; and delete Conditions of Approval, subject to the Conditions of Approval as indicated in Exhibit C-1

MOTION: To recommend approval of a Class A Conditional Use to allow a Transfer of Development Rights (TDRs), subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend approval of a Class A Conditional Use to allow a Density Bonus (Workforce Housing Program) greater than 50 percent, subject to the Conditions of Approval as indicated in Exhibit C-3.

9. [DOA/CA/W-2022-00466, Diamond Plaza](#), (Control 1986-00004)

Title: a Development Order Amendment application of Kanela Enterprise WPB, LLC - Nelson Tiburicio by Urban Design Studio, Agent. **Request:** to modify uses on 2.07 acres

Title: a Class A Conditional Use application of Kanela Enterprise WPB, LLC - Nelson Tiburicio by Urban Design Studio, Agent. **Request:** to allow a Cocktail Lounge within 250 feet of a parcel of land with a residential future land use designation or use on 2.07 ac

Title: a Type 2 Waiver application of Kanela Enterprise WPB, LLC - Nelson Tiburicio by Urban Design Studio, Agent. **Request:** to allow an extension of the hours of operation for a Non-Residential use located within 250 feet of a parcel of land with a residential future land use designation or use on 2.07 acres

General Location: Southeast corner of S. Military Trail and Diamond Road

Project Manager: Jerome Ottey

Size: 2.07 acres ±

BCC District: 3

Staff Recommendation: Staff recommends denial of the requests.

MOTION: To recommend denial of a Development Order Amendment (with prejudice) to modify uses subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To recommend Denial of a Class A Conditional Use (with prejudice) to allow a Cocktail Lounge within 250 feet of a parcel of land with a residential future land use designation or use subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To recommend denial of a Type 2 Waiver (with prejudice) to allow an extension of the hours of operation for a Non-Residential use located within 250 feet of a parcel of land with a residential future land use designation or use subject to the Conditions of Approval as indicated in Exhibit C-3.

END OF REGULAR AGENDA

COMMENTS

- A. COUNTY ATTORNEY
- B. ZONING DIRECTOR
- C. PLANNING DIRECTOR
- D. EXECUTIVE DIRECTOR
- E. COMMISSIONERS

ADJOURNMENT